

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

TIMOTHY TIMMONS,

Plaintiff,

v.

GEORGIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

CIVIL ACTION NO.: 6:17-cv-66

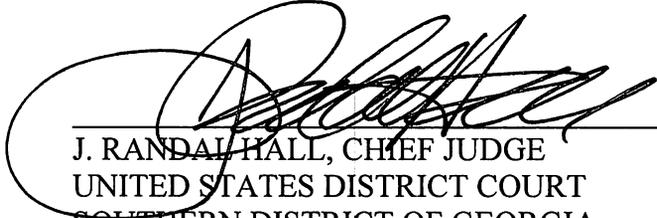
**ORDER**

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report and Recommendation dated May 17, 2017, (doc. 5). In his Objections, Plaintiff asserts that he filled out his Complaint "months before" he filed it with the Court. (Doc. 6, p. 2.) Even if this assertion is true, however, Plaintiff did not disclose the existence of at least one of his previously-filed causes of action. Compl., Timmons v. Reid, et al., 6:16-cv-58 (S.D. Ga. May 24, 2016), ECF No. 1. Plaintiff's complaint in Case Number 6:16-cv-58 was filed nearly a year prior to the filing of his undated Complaint in this case, and Plaintiff should have disclosed this previous filing in his Complaint in the instant cause of action. He did not do so, and this Court cannot ignore Plaintiff's lack of candor—despite how unintentional his lack of candor may have been.

Thus, after an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff's Objections. The Court **DISMISSES** Plaintiff's Complaint based on his lack of candor and

**DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case. The Court **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal.

**SO ORDERED**, this 25<sup>th</sup> day of July, 2017.



\_\_\_\_\_  
J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA